

# CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

**File No.CIC/LS/C/2013/000023**

**( D.S. Kauntae –Vs- Rawalcom Institute of Telecom Training, New Delhi )**

Dated : 05.08.2013

This matter was earlier heard on 19.6.2013. The proceedings of the day are extracted below :-

**“File No.CIC/LS/C/2013/000023**

**Appellant :** D.S.Kauntae  
**Respondent :** Rawalcom Institute of  
Telecommunication, Dwarka,  
New Delhi  
**Date of hearing :** 19.6.2013  
**Date of decision :** 19.6.2013

## **FACTS**

Heard today dated 19.6.13. Appellant present. The Institute is represented by Shri H.S.Bhati. Directorate General of Resettlement (DGR) is represented by GP. Capt. Rajeev Sharma.

2. It is noticed that in the RTI application dated 8.8.12, the appellant had sought huge information running into 23 paras about the said Institute. However, GP. Capt. H.S.Bhati (Retd.) vide letter dated 5.9.12 had informed the appellant that the said Institute was not a Public Authority and, therefore, not covered under section 2(h) of the RTI Act.

3. Aggrieved with the above order, the appellant has filed the present appeal.

4. During the hearing, the appellant forcefully contends that the Service Headquarters & DGR have been sponsoring serving as well as retired servicemen for training to this Institute and the fee is being paid by Ministry of Defence through PCDA. Every year, about 70 to 80 personnel are sponsored for training and the fee for each personnel is about Rs.12000/per course. Thus Ministry of Defence has been remitting an amount of about 10 to 12 lakhs per year to the Institute. In his opinion, it is not correct on the part of the respondent to take the plea that it is not a Public Authority under section 2(h) of the RTI Act. According to him, it is a case of direct financing by the Central Government.

5. On the other hand, GP. Capt. Rajeev Sharma would submit that the personnel, both serving and retired, are being sponsored by the Service Headquarters/DGR for training and the payment in regard thereto is being made by the Ministry of Defence but the Institute is a nongovernmental entity and has no connection with the Central Govt. Merely because fee is being paid to the Institute by the MoD for

imparting training to the serving and retired personnel, the respondent Institute cannot be said to be Public Authority u/s 2(h) of the RTI Act.

6. The parties are directed to file their written submissions in four days time.”

2. A similar appeal filed by the appellant herein has been decided by this Commission vide order dated 5.8.2013 in File No. CIC/AD/C/2013/001380 wherein the Commission has held as follows :-

“5. It is nobody’s case that the Institute is covered under either sub clause (a) or (b) or (c) of clause (h). The only question that remains is whether it is covered under sub clause (d) i.e. whether it is controlled or substantially financed by the Government of NCT of Delhi. Suffice to say that recognition of the Institute by the BTE of the Government of NCT of Delhi does not mean that it is controlled or substantially financed by the said Government. Similarly, the affiliation of the Institute with BTE does not bring it under the purview of clause (d). On a careful scrutiny of the detailed representation filed by the appellant, I do not find any material to even remotely suggest that the Institute is covered under clause (h) of section 2 of the RTI Act. I may also add that mere sponsoring of Army personnel by the Ministry of Defence/Army authorities for training to the Institute against payment of prescribed fee cannot be construed to mean that the Institute is being financed, let alone substantially financed, by the DGR or NCT of Delhi. In view of the above discussion, I find no merit in the appeal. Dismissed.”

3. The ratio of the above decision applies in the present case. Hence, the appeal is dismissed.

Sd/-  
( M.L. Sharma )  
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

( K.L. Das )  
Deputy Registrar

Address of parties :-

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